

committee assignment on the Committee on Appropriations, so we are looking forward to bigger and better things from the gentleman from Alabama as well.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CRAMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have enjoyed very much working with my colleague across the aisle. In my years here in Congress, I came to this Congress so I could be on this committee, we have accomplished a number of extraordinary things together. We have fought battles in the trenches; won most of them, but not all of them. I want to congratulate the gentleman as well and the gentleman from Wisconsin [Mr. SENSENBRENNER] as well as the gentleman from California [Mr. BROWN] for those years of service. I just hope that my move now to another committee will give me a chance to advance my work with the space issues as well.

Mr. BROWN of California. Mr. Speaker, I would like to rise in support of H.R. 1702, as amended, also known as the Commercial Space Act of 1997. This bill, while not perfect, represents another step in Congress's efforts to promote the development of a vibrant, growing commercial space sector.

In the forty years since the dawn of the Space Age, Congress has enacted a series of legislative measures that have helped to increase the private sector's role in satellite communications, launch services, and remote sensing. As a result, commercial space activities have become a significant component of the nation's economy, and they give every indication of being even more significant in the years ahead.

Mr. Speaker, I believe that America is best served by both a strong commercial space sector and a strong governmental commitment to space research and development. On the one hand, government should not try to compete with the private sector. On the other hand, the existence of a commercial space sector does not relieve the Federal government of its responsibility to undertake those activities that only it can and/or should carry out.

I believe that H.R. 1702, while a relatively modest bill, includes a number of useful provisions, especially those related to reentry vehicle licensing, launch operations, and commercial launch services. I would note that the version of H.R. 1702 that is under consideration today also contains an amendment intended to at least partially address a concern I had raised about the Union Calendar version of the bill.

Specifically, existing law allows NASA to undertake cooperative missions with other nations that involve flying U.S. government payloads on foreign launch vehicles. Such an option can provide significant benefits to both parties, lowering costs to each partner and allowing enhanced mission capabilities. To cite just one example, the law allowed the highly successful Topex-Poseidon Earth science mission to be conducted with the French. That law also makes possible other cooperative space and Earth science missions, as well giving us the flexibility we will need to most effectively resupply the International Space Station.

I strongly believe that the ability to undertake such cooperative missions is in our national interest. The Union Calendar version of H.R. 1702 would have deleted that provision from existing law. An amendment that is included in the bill before us today restores that provision, albeit with restrictions. While I wish that the amendment had simply reaffirmed existing law, I believe that it represents a positive step forward in addressing the issue. I want to express my appreciation to Chairman SENSENBRENNER for his willingness to work with me on this matter.

Mr. Speaker, I believe that, on balance, H.R. 1702 is a useful bill. I recognize that the Administration has several areas of continuing concern with the bill. I intend to work with the Chairman, the Administration, and our counterparts in the Senate to resolve any remaining differences and enact a commercial space bill during the 105th Congress.

I urge Members to suspend the rules and pass H.R. 1702, as amended.

Mr. CRAMER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore [Mr. PACKARD]. The question is on the motion offered by the gentleman from California [Mr. ROHRABACHER] that the House suspend the rules and pass the bill, H.R. 1702, as amended.

The question was taken.

Mr. CRAMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1702.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ADDITION OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 1702

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that the names of the following members who were inadvertently not included as cosponsors of H.R. 1702 be placed in the RECORD at this point:

Mr. DOYLE of Pennsylvania;
Mr. HASTINGS from Florida; and
Mr. BRADY from Texas.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL SALVAGE MOTOR VEHICLE CONSUMER PROTECTION ACT OF 1997

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 1839) to establish nationally uniform requirements regarding the titling and registration of salvage, non-repairable, and rebuilt vehicles, as amended.

The Clerk read as follows:

H.R. 1839

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Salvage Motor Vehicle Consumer Protection Act of 1997".

SEC. 2. MOTOR VEHICLE TITLING AND DISCLOSURE REQUIREMENTS.

(a) AMENDMENT TO TITLE 49, UNITED STATES CODE.—Subtitle VI of title 49, United States Code, is amended by inserting a new chapter at the end:

"CHAPTER 333—AUTOMOBILE SAFETY AND TITLE DISCLOSURE REQUIREMENTS

"Sec.

"33301. Definitions.

"33302. Passenger motor vehicle titling.

"33303. Disclosure and label requirements on transfer of rebuilt salvage vehicles.

"33304. Report on funding.

"33305. Effect on State law.

"33306. Civil and criminal penalties.

"33307. Actions by States.

"§33301. Definitions

"(a) DEFINITIONS.—For the purposes of this chapter:

"(1) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' shall have the same meaning given such term by section 32101(10), except, notwithstanding section 32101(9), it shall include a multipurpose passenger vehicle (constructed on a truck chassis or with special features for occasional off-road operation), or a truck, other than a truck referred to in section 32101(10)(B), when that vehicle or truck is rated by the manufacturer of such vehicle or truck at not more than 10,000 pounds gross vehicle weight, and except further, it shall only include a vehicle manufactured primarily for use on public streets, roads, and highways.

"(2) SALVAGE VEHICLE.—The term 'salvage vehicle' means any passenger motor vehicle, other than a flood vehicle or a nonrepairable vehicle, which—

"(A) is a late model vehicle which has been wrecked, destroyed, or damaged, to the extent that the total cost of repairs to rebuild or reconstruct the passenger motor vehicle to its condition immediately before it was wrecked, destroyed, or damaged, and for legal operation on the roads or highways, exceeds 80 percent of the retail value of the passenger motor vehicle;

"(B) is a late model vehicle which has been wrecked, destroyed, or damaged, and to which an insurance company acquires ownership pursuant to a damage settlement (except in the case of a settlement in connection with a recovered stolen vehicle, unless such vehicle sustained damage sufficient to meet the damage threshold prescribed by subparagraph (A)); or

"(C) the owner wishes to voluntarily designate as a salvage vehicle by obtaining a salvage title, without regard to the level of damage, age, or value of such vehicle or any other factor, except that such designation by the owner shall not impose on the insurer of the passenger motor vehicle or on an insurer processing a claim made by or on behalf of the owner of the passenger motor vehicle any obligation or liability.

"(3) SALVAGE TITLE.—The term 'salvage title' means a passenger motor vehicle ownership document issued by the State to the owner of a salvage vehicle. A salvage title

shall be conspicuously labeled with the word 'salvage' across the front.

"(4) **REBUILT SALVAGE VEHICLE.**—The term 'rebuilt salvage vehicle' means—

"(A) any passenger motor vehicle which was previously issued a salvage title, has passed State anti-theft inspection, has been issued a certificate indicating that the passenger motor vehicle has passed the required anti-theft inspection, has passed the State safety inspection in those States requiring a safety inspection pursuant to section 33302(b)(8), has been issued a certificate indicating that the passenger motor vehicle has passed the required safety inspection in those States requiring such a safety inspection pursuant to section 33302(b)(8), and has a decal stating 'Rebuilt Salvage Vehicle—Anti-theft and Safety Inspections Passed' affixed to the driver's door jamb; or

"(B) any passenger motor vehicle which was previously issued a salvage title, has passed a State anti-theft inspection, has been issued a certificate indicating that the passenger motor vehicle has passed the required anti-theft inspection, and has, affixed to the driver's door jamb, a decal stating 'Rebuilt Salvage Vehicle—Anti-theft Inspection Passed/No Safety Inspection Pursuant to National Criteria' in those States not requiring a safety inspection pursuant to section 33302(b)(8).

"(5) **REBUILT SALVAGE TITLE.**—The term 'rebuilt salvage title' means the passenger motor vehicle ownership document issued by the State to the owner of a rebuilt salvage vehicle. A rebuilt salvage title shall be conspicuously labeled either with the words 'Rebuilt Salvage Vehicle—Anti-theft and Safety Inspections Passed' or 'Rebuilt Salvage Vehicle—Anti-theft Inspection Passed/No Safety Inspection Pursuant to National Criteria,' as appropriate, across the front.

"(6) **NONREPAIRABLE VEHICLE.**—The term 'nonrepairable vehicle' means any passenger motor vehicle, other than a flood vehicle, which is incapable of safe operation for use on roads or highways and which has no resale value except as a source of parts or scrap only or which the owner irreversibly designates as a source of parts or scrap. Such passenger motor vehicle shall be issued a nonrepairable vehicle certificate and shall never again be titled or registered.

"(7) **NONREPAIRABLE VEHICLE CERTIFICATE.**—The term 'nonrepairable vehicle certificate' means a passenger motor vehicle ownership document issued by the State to the owner of a nonrepairable vehicle. A nonrepairable vehicle certificate shall be conspicuously labeled with the word 'Nonrepairable' across the front.

"(8) **SECRETARY.**—The term 'Secretary' means the Secretary of Transportation.

"(9) **LATE MODEL VEHICLE.**—The term 'Late Model Vehicle' means any passenger motor vehicle which—

"(A) has a manufacturer's model year designation of or later than the year in which the vehicle was wrecked, destroyed, or damaged, or any of the six preceding years; or

"(B) has a retail value of more than \$7,500.

The Secretary shall adjust such retail value on an annual basis in accordance with changes in the consumer price index.

"(10) **RETAIL VALUE.**—The term 'retail value' means the actual cash value, fair market value, or retail value of a passenger motor vehicle as—

"(A) set forth in a current edition of any nationally recognized compilation (to include automated databases) of retail values; or

"(B) determined pursuant to a market survey of comparable vehicles with regard to condition and equipment.

"(11) **COST OF REPAIRS.**—The term 'cost of repairs' means the estimated retail cost of

parts needed to repair the vehicle or, if the vehicle has been repaired, the actual retail cost of the parts used in the repair, and the cost of labor computed by using the hourly labor rate and time allocations that are reasonable and customary in the automobile repair industry in the community where the repairs are to be performed.

"(12) **FLOOD VEHICLE.**—The term 'flood vehicle' means any passenger motor vehicle that—

"(A) has been acquired by an insurance company as part of a damage settlement due to water damage; or

"(B) has been submerged in water to the point that rising water has reached over the door sill, has entered the passenger or trunk compartment, and has exposed any electrical, computerized, or mechanical component to water, except—

"(i) where a passenger motor vehicle which, pursuant to an inspection conducted by an insurance adjuster or estimator, a motor vehicle repairer or motor vehicle dealer in accordance with inspection guidelines or procedures established by the Secretary or the State, is determined to have no electrical, computerized or mechanical components which were damaged by water; or,

"(ii) where a passenger motor vehicle which, pursuant to an inspection conducted by an insurance adjuster or estimator, a motor vehicle repairer or motor vehicle dealer in accordance with inspection guidelines or procedures established by the Secretary or the State, is determined to have one or more electrical, computerized or mechanical components which were damaged by water and where all such damaged components have been repaired or replaced.

Disclosure that a vehicle is a flood vehicle must be made at the time of transfer of ownership and the brand 'Flood' shall be conspicuously marked on all subsequent titles for the vehicle. No inspection shall be required unless the owner or insurer of the passenger motor vehicle is seeking to avoid a brand of 'Flood' pursuant to subparagraph (B). Disclosing a passenger motor vehicle's status as a flood vehicle or conducting an inspection pursuant to subparagraph (B) shall not impose on any person any liability for damage to (except in the case of damage caused by the inspector at the time of the inspection) or reduced value of a passenger motor vehicle.

"(b) **CONSTRUCTION.**—The definitions set forth in subsection (a) shall only apply to vehicles in a State which are wrecked, destroyed, or otherwise damaged on or after the date on which such State complies with the requirements of this chapter and the rule promulgated pursuant to section 33302(b).

"§ 33302. Passenger motor vehicle titling

"(a) **CARRY-FORWARD OF INFORMATION ON A NEWLY ISSUED TITLE WHERE THE PREVIOUS TITLE FOR THE VEHICLE WAS NOT ISSUED PURSUANT TO NEW NATIONALLY UNIFORM STANDARDS.**—For any passenger motor vehicle, the ownership of which is transferred on or after the date that is 1 year from the date of the enactment of this chapter, each State receiving funds, either directly or indirectly, appropriated under section 30503(c) of this title after fiscal year 1998, in licensing such vehicle for use, shall disclose in writing on the certificate of title whenever records readily accessible to the State indicate that the passenger motor vehicle was previously issued a title that bore any word or symbol signifying that the vehicle was 'salvage', 'unrebuildable', 'parts only', 'scrap', 'junk', 'nonrepairable', 'reconstructed', 'rebuilt', or any other symbol or word of like kind, or that it has been damaged by flood.

"(b) **NATIONALLY UNIFORM TITLE STANDARDS AND CONTROL METHODS.**—Not later than

18 months after the date of the enactment of this chapter, the Secretary shall by rule require each State receiving funds, either directly or indirectly, appropriated under section 30503(c) of this title after fiscal year 1998, in licensing any passenger motor vehicle where ownership of such passenger motor vehicle is transferred more than 2 years after publication of such final rule, to apply uniform standards, procedures, and methods for the issuance and control of titles for motor vehicles and for information to be contained on such titles. Such titling standards, control procedures, methods, and information shall include the following requirements:

"(1) A State shall conspicuously indicate on the face of the title or certificate for a passenger motor vehicle, as applicable, if the passenger motor vehicle is a salvage vehicle, a nonrepairable vehicle, a rebuilt salvage vehicle, or a flood vehicle.

"(2) Such information concerning a passenger motor vehicle's status shall be conveyed on any subsequent title, including a duplicate or replacement title, for the passenger motor vehicle issued by the original titling State or any other State.

"(3) The title documents, the certificates, and decals required by section 33301(4), and the issuing system shall meet security standards minimizing the opportunities for fraud.

"(4) The certificate of title shall include the passenger motor vehicle make, model, body type, year, odometer disclosure, and vehicle identification number.

"(5) The title documents shall maintain a uniform layout, to be established in consultation with the States or an organization representing them.

"(6) A passenger motor vehicle designated as nonrepairable shall be issued a nonrepairable vehicle certificate and shall not be retitled.

"(7) No rebuilt salvage title shall be issued to a salvage vehicle unless, after the salvage vehicle is repaired or rebuilt, it complies with the requirements for a rebuilt salvage vehicle pursuant to section 33301(4). Any State inspection program operating under this paragraph shall be subject to continuing review by and approval of the Secretary. Any such anti-theft inspection program shall include the following:

"(A) A requirement that the owner of any passenger motor vehicle submitting such vehicle for an anti-theft inspection provide a completed document identifying the vehicle's damage prior to being repaired, a list of replacement parts used to repair the vehicle, and proof of ownership of such replacement parts, as may be evidenced by bills of sale, invoices, or, if such documents are not available, other proof of ownership for the replacement parts. The owner shall also include an affirmation that the information in the declaration is complete and accurate and that, to the knowledge of the declarant, no stolen parts were used during the rebuilding.

"(B) A requirement to inspect the passenger motor vehicle or any major part or any major replacement part required to be marked under section 33102 for signs of such mark or vehicle identification number being illegally altered, defaced, or falsified. Any such passenger motor vehicle or any such part having a mark or vehicle identification number that has been illegally altered, defaced, or falsified, and that cannot be identified as having been legally obtained (through bills of sale, invoices, or other ownership documentation), shall be contraband and subject to seizure. The Secretary, in consultation with the Attorney General, shall, as part of the rule required by this section, establish procedures for dealing with those parts whose mark or vehicle identification number is normally removed during industry

accepted remanufacturing or rebuilding practices, which parts shall be deemed identified for purposes of this section if they bear a conspicuous mark of a type, and applied in such a manner, as designated by the Secretary, indicating that they have been rebuilt or remanufactured. With respect to any vehicle part, the Secretary's rule, as required by this section, shall acknowledge that a mark or vehicle identification number on such part may be legally removed or altered as provided for in section 511 of title 18, United States Code, and shall direct inspectors to adopt such procedures as may be necessary to prevent the seizure of a part from which the mark or vehicle identification number has been legally removed or altered.

"(8) Any safety inspection for a rebuilt salvage vehicle performed pursuant to this chapter shall be performed in accordance with nationally uniform safety inspection criteria established by the Secretary. A State may determine whether to conduct such safety inspection itself, contract with one or more third parties, or permit self-inspection by a person licensed by such State in an automotive-related business, all subject to criteria promulgated by the Secretary hereunder. Any State inspection program operating under this paragraph shall be subject to continuing review by and approval of the Secretary. A State requiring such safety inspection may require the payment of a fee for the privilege of such inspection or the processing thereof.

"(9) No duplicate or replacement title shall be issued unless the word 'duplicate' is clearly marked on the face thereof and unless the procedures for such issuance are substantially consistent with Recommendation three of the Motor Vehicle Titling, Registration and Salvage Advisory Committee.

"(10) A State shall employ the following titling and control methods:

"(A) If an insurance company is not involved in a damage settlement involving a salvage vehicle or a nonrepairable vehicle, the passenger motor vehicle owner shall apply for a salvage title or nonrepairable vehicle certificate, whichever is applicable, before the passenger motor vehicle is repaired or the ownership of the passenger motor vehicle is transferred, but in any event within 30 days after the passenger motor vehicle is damaged.

"(B) If an insurance company, pursuant to a damage settlement, acquires ownership of a passenger motor vehicle that has incurred damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the insurance company or salvage facility or other agent on its behalf shall apply for a salvage title or nonrepairable vehicle certificate within 30 days after the title is properly assigned by the owner to the insurance company and delivered to the insurance company or salvage facility or other agent on its behalf with all liens released.

"(C) If an insurance company does not assume ownership of an insured's or claimant's passenger motor vehicle that has incurred damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the insurance company shall notify the owner of the owner's obligation to apply for a salvage title or nonrepairable vehicle certificate for the passenger motor vehicle and notify the State passenger motor vehicle titling office that a salvage title or nonrepairable vehicle certificate should be issued for the vehicle, except to the extent such notification is prohibited by State insurance law.

"(D) If a leased passenger motor vehicle incurs damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the lessor shall apply for a salvage title or nonrepairable vehicle certificate within 21 days after being notified by the les-

see that the vehicle has been so damaged, except when an insurance company, pursuant to a damage settlement, acquires ownership of the vehicle. The lessee of such vehicle shall inform the lessor that the leased vehicle has been so damaged within 30 days after the occurrence of the damage.

"(E) Any person acquiring ownership of a damaged passenger motor vehicle that meets the definition of a salvage or nonrepairable vehicle for which a salvage title or nonrepairable vehicle certificate has not been issued, shall apply for a salvage title or nonrepairable vehicle certificate, whichever is applicable. This application shall be made before the vehicle is further transferred, but in any event, within 30 days after ownership is acquired. The requirements of this subparagraph shall not apply to any scrap metal processor which acquires a passenger motor vehicle for the sole purpose of processing it into prepared grades of scrap and which so processes such vehicle.

"(F) State records shall note when a nonrepairable vehicle certificate is issued. No State shall issue a nonrepairable vehicle certificate after 2 transfers of ownership.

"(G) When a passenger motor vehicle has been flattened, baled, or shredded, whichever comes first, the title or nonrepairable vehicle certificate for the vehicle shall be surrendered to the State within 30 days. If the second transferee on a nonrepairable vehicle certificate is unequipped to flatten, bale, or shred the vehicle, such transferee shall, at the time of final disposal of the vehicle, use the services of a professional automotive recycler or professional scrap processor who is hereby authorized to flatten, bale, or shred the vehicle and to effect the surrender of the nonrepairable vehicle certificate to the State on behalf of such second transferee. State records shall be updated to indicate the destruction of such vehicle and no further ownership transactions for the vehicle will be permitted. If different than the State of origin of the title or nonrepairable vehicle certificate, the State of surrender shall notify the State of origin of the surrender of the title or nonrepairable vehicle certificate and of the destruction of such vehicle.

"(H) When a salvage title is issued, the State records shall so note. No State shall permit the retitling for registration purposes or issuance of a rebuilt salvage title for a passenger motor vehicle with a salvage title without a certificate of inspection, which complies with the security and guideline standards established by the Secretary pursuant to paragraphs (3), (7), and (8), as applicable, indicating that the vehicle has passed the inspections required by the State. This subparagraph does not preclude the issuance of a new salvage title for a salvage vehicle after a transfer of ownership.

"(I) After a passenger motor vehicle titled with a salvage title has passed the inspections required by the State, the inspection official will affix the secure decal required pursuant to section 33301(4) to the driver's door jamb of the vehicle and issue to the owner of the vehicle a certificate indicating that the passenger motor vehicle has passed the inspections required by the State. The decal shall comply with the permanency requirements established by the Secretary.

"(J) The owner of a passenger motor vehicle titled with a salvage title may obtain a rebuilt salvage title or vehicle registration, or both, by presenting to the State the salvage title, properly assigned, if applicable, along with the certificate that the vehicle has passed the inspections required by the State. With such proper documentation and upon request, a rebuilt salvage title or registration, or both, shall be issued to the owner. When a rebuilt salvage title is issued, the State records shall so note.

"(11) A seller of a passenger motor vehicle that becomes a flood vehicle shall, at or prior to the time of transfer of ownership, give the buyer a written notice that the vehicle has been damaged by flood, provided such person has actual knowledge that such vehicle has been damaged by flood. At the time of the next title application for the vehicle, disclosure of the flood status shall be provided to the applicable State with the properly assigned title and the word 'Flood' shall be conspicuously labeled across the front of the new title.

"(12) In the case of a leased passenger motor vehicle, the lessee, within 15 days of the occurrence of the event that caused the vehicle to become a flood vehicle, shall give the lessor written disclosure that the vehicle is a flood vehicle.

"(13) Ownership of a passenger motor vehicle may be transferred on a salvage title, however, a passenger motor vehicle for which a salvage title has been issued shall not be registered for use on the roads or highways unless it has been issued a rebuilt salvage title.

"(14) Ownership of a passenger motor vehicle may be transferred on a rebuilt salvage title, and a passenger motor vehicle for which a rebuilt salvage title has been issued may be registered for use on the roads and highways.

"(15) Ownership of a passenger motor vehicle may only be transferred 2 times on a nonrepairable vehicle certificate. A passenger motor vehicle for which a nonrepairable vehicle certificate has been issued can never be titled or registered for use on roads or highways.

"(c) CONSUMER NOTICE IN NONCOMPLIANT STATES.—Any State receiving, either directly or indirectly, funds appropriated under section 30503(c) of this title after fiscal year 1998 and not complying with the requirements of subsections (a) and (b) of this section, shall conspicuously print the following notice on all titles or ownership certificates issued for passenger motor vehicles in such State until such time as such State is in compliance with the requirements of subsections (a) and (b) of this section: 'NOTICE: This State does not conform to the uniform Federal requirements of the National Salvage Motor Vehicle Consumer Protection Act of 1997.'

"§33303. Disclosure and label requirements on transfer of rebuilt salvage vehicles

"(a) WRITTEN DISCLOSURE REQUIREMENTS.—

"(1) GENERAL RULE.—Under regulations prescribed by the Secretary of Transportation, a person transferring ownership of a rebuilt salvage vehicle shall give the transferee a written disclosure that the vehicle is a rebuilt salvage vehicle when such person has actual knowledge of the status of such vehicle.

"(2) FALSE STATEMENT.—A person making a written disclosure required by a regulation prescribed under paragraph (1) of this subsection may not make a false statement in the disclosure.

"(3) COMPLETENESS.—A person acquiring a rebuilt salvage vehicle for resale may accept a disclosure under paragraph (1) only if it is complete.

"(4) REGULATIONS.—The regulations prescribed by the Secretary shall provide the way in which information is disclosed and retained under paragraph (1).

"(b) LABEL REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary shall by regulation require that a label be affixed to the windshield or window of a rebuilt salvage vehicle before its first sale at retail containing such information regarding that vehicle as the Secretary may require. The label shall be affixed by the individual who conducts the

applicable State antitheft inspection in a participating State.

"(2) REMOVAL, ALTERATION, OR ILLEGIBILITY OF REQUIRED LABEL.—No person shall willfully remove, alter, or render illegible any label required by paragraph (1) affixed to a rebuilt salvage vehicle before the vehicle is delivered to the actual custody and possession of the first retail purchaser.

"(c) LIMITATION.—The requirements of subsections (a) and (b) shall only apply to a transfer of ownership of a rebuilt salvage vehicle where such transfer occurs in a State which, at the time of the transfer, is complying with subsections (a) and (b) of section 33302.

"§ 33304. Report on funding

"The Secretary shall, contemporaneously with the issuance of a final rule pursuant to section 33302(b), report to appropriate committees of Congress whether the costs to the States of compliance with such rule can be met by user fees for issuance of titles, issuance of registrations, issuance of duplicate titles, inspection of rebuilt vehicles, or for the State services, or by earmarking any moneys collected through law enforcement action to enforce requirements established by such rule.

"§ 33305. Effect on State law

"(a) IN GENERAL.—Unless a State is in compliance with subsection (c) of section 33302, effective on the date the rule promulgated pursuant to section 33302 becomes effective, the provisions of this chapter shall preempt all State laws in States receiving funds, either directly or indirectly, appropriated under section 30503(c) of this title after fiscal year 1998, to the extent they are inconsistent with the provisions of this chapter or the rule promulgated pursuant to section 33302, which—

"(1) set forth the form of the passenger motor vehicle title;

"(2) define, in connection with a passenger motor vehicle (but not in connection with a passenger motor vehicle part or part assembly separate from a passenger motor vehicle), any term defined in section 33301 or the terms 'salvage', 'junk', 'reconstructed', 'non-repairable', 'unrebuildable', 'scrap', 'parts only', 'rebuilt', 'flood', or any other symbol or word of like kind, or apply any of those terms to any passenger motor vehicle (but not to a passenger motor vehicle part or part assembly separate from a passenger motor vehicle); or

"(3) set forth titling, recordkeeping, anti-theft inspection, or control procedures in connection with any salvage vehicle, rebuilt salvage vehicle, nonrepairable vehicle, or flood vehicle.

The requirements described in paragraph (3) shall not be construed to affect any State consumer law actions that may be available to residents of the State for violations of this chapter.

"(b) CONSTRUCTION.—Additional disclosures of a passenger motor vehicle's title status or history, in addition to the terms defined in section 33301, shall not be deemed inconsistent with the provisions of this chapter. Such disclosures shall include disclosures made on a certificate of title. When used in connection with a passenger motor vehicle (but not in connection with a passenger motor vehicle part or part assembly separate from a passenger motor vehicle), any definition of a term defined in section 33301 which is different than the definition in that section or any use of any term listed in subsection (a), but not defined in section 33301, shall be deemed inconsistent with the provisions of this chapter. Nothing in this chapter shall preclude a State from disclosing on a rebuilt salvage title that a rebuilt salvage vehicle

has passed a State safety inspection which differed from the nationally uniform criteria to be promulgated pursuant to section 33302(b)(8).

"§ 33306. Civil and criminal penalties

"(a) PROHIBITED ACTS.—It shall be unlawful for any person knowingly and willfully to—

"(1) make or cause to be made any false statement on an application for a title (or duplicate title) for a passenger motor vehicle or any disclosure made pursuant to section 33303;

"(2) fail to apply for a salvage title when such an application is required;

"(3) alter, forge, or counterfeit a certificate of title (or an assignment thereof), a nonrepairable vehicle certificate, a certificate verifying an anti-theft inspection or an anti-theft and safety inspection, a decal affixed to a passenger motor vehicle pursuant to section 33302(b)(10)(I), or any disclosure made pursuant to section 33303;

"(4) falsify the results of, or provide false information in the course of, an inspection conducted pursuant to section 33302(b)(7) or (8);

"(5) offer to sell any salvage vehicle or nonrepairable vehicle as a rebuilt salvage vehicle;

"(6) fail to make any disclosure required by section 33303, except when the person lacks actual knowledge of the status of the rebuilt salvage vehicle;

"(7) violate a regulation prescribed under this chapter; or

"(8) conspire to commit any of the acts enumerated in paragraph (1), (2), (3), (4), (5), (6), or (7).

"(b) CIVIL PENALTY.—Any person who commits an unlawful act as provided in subsection (a) of this section shall be fined a civil penalty of up to \$2,000 per offense. A separate violation occurs for each passenger motor vehicle involved in the violation.

"(c) CRIMINAL PENALTY.—Any person who commits an unlawful act as provided in subsection (a) of this section shall be fined up to \$50,000 or sentenced to up to 3 years imprisonment or both, per offense.

"§ 33307. Actions by States

"(a) IN GENERAL.—Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has violated or is violating section 33302 or 33303, the State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States or the appropriate State court to enjoin such violation or to enforce the civil penalties under section 33306 or enforce the criminal penalties under section 33306.

"(b) NOTICE.—The State shall serve prior written notice of any civil or criminal action under subsection (a) or (c)(2) upon the Attorney General and provide the Attorney General with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil or criminal action, the Attorney General shall have the right—

"(1) to intervene in such action;

"(2) upon so intervening, to be heard on all matters arising therein; and

"(3) to file petitions for appeal.

"(c) CONSTRUCTION.—For purposes of bringing any civil or criminal action under subsection (a), nothing in this Act shall prevent an attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(d) VENUE; SERVICE OF PROCESS.—Any civil or criminal action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

"(e) ACTIONS BY STATE OFFICIALS.—

"(1) Nothing contained in this section shall prohibit an attorney general of a State or other authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

"(2) In addition to actions brought by an attorney general of a State under subsection (a), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State on behalf of its residents."

(b) CONFORMING AMENDMENT.—The table of chapters for part C at the beginning of subtitle VI of title 49, United States Code, is amended by inserting at the end the following new item:

"333. AUTOMOBILE SAFETY AND TITLE DISCLOSURE REQUIREMENTS 33301".

SEC. 3. AMENDMENTS TO CHAPTER 305.

(a) DEFINITIONS.—

(1) Amend section 30501(4) of title 49, United States Code, to read as follows:

"(4) 'nonrepairable vehicle', 'salvage vehicle', and 'rebuilt salvage vehicle' shall have the same meanings given those terms in section 33301 of this title."

(2) Amend section 30501(5) of title 49, United States Code, by striking "junk automobiles" and inserting "nonrepairable vehicles".

(3) Amend section 30501(8) by striking "salvage automobiles" and inserting "salvage vehicles".

(4) Strike paragraph (7) of section 30501 of title 49, United States Code, and renumber the succeeding sections accordingly.

(b) NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM.—

(1) Amend section 30502(d)(3) of title 49, United States Code, to read as follows:

"(3) whether an automobile known to be titled in a particular State is or has been a nonrepairable vehicle, a rebuilt salvage vehicle, or a salvage vehicle;"

(2) Amend section 30502(d)(5) of title 49, United States Code, to read as follows:

"(5) whether an automobile bearing a known vehicle identification number has been reported as a nonrepairable vehicle, a rebuilt salvage vehicle, or a salvage vehicle under section 30504 of this title."

(c) STATE PARTICIPATION.—Amend section 30503 of title 49, United States Code, to read as follows:

"§ 30503. State participation

"(a) STATE INFORMATION.—Each State receiving funds appropriated under subsection (c) shall make titling information maintained by that State available for use in operating the National Motor Vehicle Title Information System established or designated under section 30502 of this title.

"(b) VERIFICATION CHECKS.—Each State receiving funds appropriated under subsection (c) shall establish a practice of performing an instant title verification check before issuing a certificate of title to an individual or entity claiming to have purchased an automobile from an individual or entity in another State. The check shall consist of—

"(1) communicating to the operator—

"(A) the vehicle identification number of the automobile for which the certificate of title is sought;

“(B) the name of the State that issued the most recent certificate of title for the automobile; and

“(C) the name of the individual or entity to whom the certificate of title was issued; and

“(2) giving the operator an opportunity to communicate to the participating State the results of a search of the information.

“(c) GRANTS TO STATES.—

“(1) In cooperation with the States and not later than January 1, 1994, the Attorney General shall—

“(A) conduct a review of systems used by the States to compile and maintain information about the titling of automobiles; and

“(B) determine for each State the cost of making titling information maintained by that State available to the operator to meet the requirements of section 30502(d) of this title.

“(2) The Attorney General may make reasonable and necessary grants to participating States to be used in making titling information maintained by those States available to the operator.

“(d) REPORT TO CONGRESS.—Not later than October 1, 1998, the Attorney General shall report to Congress on which States have met the requirements of this section. If a State has not met the requirements, the Attorney General shall describe the impediments that have resulted in the State's failure to meet the requirements.”

(d) REPORTING REQUIREMENTS.—Section 30504 of title 49, United States Code, is amended by striking “junk automobiles or salvage automobiles” every place it appears and inserting “nonrepairable vehicles, rebuilt salvage vehicles, or salvage vehicles”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Massachusetts [Mr. MARKEY] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1839.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in strong support of H.R. 1839, the National Salvage Motor Vehicle Consumer Protection Act. Ever since my constituent Dick Strauss, a car dealer in Richmond, VA, first came to me to describe this problem several years ago, I have consistently supported the adoption of uniform definitions for salvage automobiles. It is an important protection for consumers, dealers, and insurers alike to prevent theft and to protect used car customers.

Frequently auto dealers will make every effort to ensure that the used cars on their lots are of the highest quality. Unfortunately, increasingly sophisticated scam artists are using the differences in State automobile titling schemes to swindle both consumers and legitimate businesspeople. We read about the problem in our local pa-

pers, even in the comics. I am reminded of a recent series in the Judge Parker comic strip about a young lady who discovered she had unknowingly purchased a vehicle that had been totaled in an accident. We have an obligation to protect real consumers from the same fate.

H.R. 1839 goes a long way toward achieving that goal. Supported by a coalition of business groups and the States, this bill implements many of the recommendations of a national panel of experts representing the States, law enforcement and business asking for Federal legislation to establish uniform definitions and procedures for the titling and registration of vehicles totaled by accident or flood. When enacted, H.R. 1839 will ensure that consumers have better access to information about the cars that they intend to purchase and that honest dealers can sell used cars without the worry that they may unwittingly be selling a stolen or totaled car.

The bill before the House today makes several changes to the bill reported by the Committee on Commerce. At the request of the States and the Committee on the Judiciary, we reexamined a provision in the committee reported bill which tied participation in the National Motor Vehicle Title Information System to the adoption of the standards in H.R. 1839. After extensive discussions with State motor vehicle administrators and others, we agreed that an approach using the incentive of an existing Federal grant program would address the concerns of State motor vehicle and law enforcement officials while at the same time significantly improving participation in the program.

The bill as amended eliminates the prohibition on participation in the National Motor Vehicle Title Information System which concerns State and Federal officials. However, the bill stipulates that if a State receives grant funding to upgrade its motor vehicle titling systems, it must either adopt the standards and procedures described in H.R. 1839 or print a notice on the face of each of its titles that it does not comply with the consumer protections required by this legislation. We believe that this change will encourage even more States to participate than CBO originally projected.

The legislation before the House today also improves the definition of “flood vehicle” provided in the bill as introduced. After the Midwest floods over the past few years, it was clear that a more precise definition of this term is needed. I was happy to see that the salvage operators, insurers, and automobile dealers worked together to address this problem.

Mr. Speaker, H.R. 1839 is legislation which protects consumers by striking a balance. It vastly improves the status quo by giving consumers, dealers and State officials notice about the status of vehicles that have been totaled by accident or flood. Today the patchwork

of 50 different State laws ensures that no State can adequately protect its own citizens. This bill changes that situation. For that reason I strongly support its passage.

In closing, I want to recognize the gentleman from Washington [Mr. WHITE] for all the hard work and his willingness to try to work with the interested groups for a solution to the problem. I would also like to thank the gentleman from Illinois [Mr. HYDE] and the gentleman from Florida [Mr. MCCOLLUM] for their willingness to work with the Committee on Commerce to bring this legislation forward. I urge all my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise with significant concerns about the bill before us this afternoon. This legislation is opposed by the Center for Auto Safety, the Consumer Federation of America, the Consumers for Auto Reliability and Safety, U.S. PIRG, the National Association of Consumer Advocates, Public Citizen and the Consumers Union.

I believe the author of this legislation commenced with very noble intentions, but was forced into a rather elliptical legislative scheme to induce State actions for fear of triggering an unfunded mandates claim. As a result, this legislation ultimately does not require States to do much of anything to protect consumer safety. There are no mandatory safety inspections in the bill. Safety inspections are optional.

Moreover, this bill may unwittingly lead to greater consumer confusion about the condition of used cars because States will undoubtedly have various requirements for consumer disclosure from coast to coast.

In addition, the bill may force States to rewrite better consumer protection laws in which the terms “rebuilt salvage vehicle” or “salvage vehicle” now appear. It would prevent States from using a damage threshold of under 80 percent, which is higher than a number of States' laws, and higher than the recommendations from the Nation's attorneys general and a special task force that delved into these issues in depth.

Second, I continue to have concerns that the definition in the bill of a “late model vehicle” is overly narrow. This legislation would exempt sellers of cars over 6 model years old and worth less than \$7,500 from having to disclose any accident damage. My car, my beautiful Buick Park Avenue, is 7 years old. It only has 42,000 miles on it. If I had a major accident, I would not have to disclose that, even though I could represent that it only had 42,000 miles, looked like it was in good condition. The average car on the road these days is close to 8 years old. The Department of Transportation tells us that. So we are potentially exempting a very large fleet of automobiles from the provisions in the bill.

Third, the legislation does not include a private right of action for aggrieved consumers. I believe that a private right of action ought to be included in the bill so that individuals can act without having to wait for a State attorney general to take action.

Again, this legislation is opposed by the Center for Auto Safety, the Consumer Federation of America, and all the rest of the groups that I mentioned. I would hope that before the legislative process is over, the bill will be adjusted so that consumer groups will support what is ostensibly being done on their behalf.

I do believe that we will still have an opportunity in the other body and in conference with the Senate to further improve the bill. I want to thank the gentleman from Virginia [Mr. BLILEY] for the way in which he has conducted proceedings on this bill, and I want to thank the gentleman from Louisiana [Mr. TAUZIN] and the gentleman from Washington [Mr. WHITE] for their willingness to work with people on this side of the aisle and to listen to our concerns and those of national consumer organizations.

The gentleman from Washington [Mr. WHITE] has made some adjustments in this legislation, and I thank him for that, but I continue to feel that this bill needs further adjustment and hope that we can continue to improve upon the language before the House this afternoon or when we reach conference committee with the Senate.

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. WHITE], a member of the committee.

□ 1445

Mr. WHITE. Mr. Speaker, I thank the gentleman from Virginia for his excellent work in helping on this bill and yielding me this time today.

Mr. Speaker, we have a bill here that in the last Congress had well over 200 cosponsors. In this Congress, we also have numerous cosponsors going all the way from the minority leader, the gentleman from Missouri [Mr. GEPHARDT] to many, many Republicans. That usually means one or two things; either it is a bill that is a really good idea and a lot of people support it, or it is a bill that does not do very much so people do not have to worry about it too much. I would respectfully suggest that in this case we are in the former situation, and I think all my colleagues should think very seriously about passing this bill.

This bill addresses a very simple problem, the fact that consumers now do not know, when they buy a used car, whether the car has been damaged and totaled and then reconstructed or not, and that can lead to a number of safety problems. The problem is, we do not have a uniform system among our States to title these vehicles, and the bill is designed to solve that problem.

Although it does seem like a simple problem, nothing is never quite as simple as we think when we start drafting a Federal bill, and we have spent 3 years, Mr. Speaker, talking to every single group we could find, from the State motor vehicle departments, the consumer groups, auto dealers, everybody we could come up with, to try to come up with a bill that solves this problem in a reasonable way, and I think the bill we have does that in a very good way.

I would say to my friend from Massachusetts that there are some groups who oppose this bill, but there are far more groups who support the bill, groups ranging from the motor vehicle administrators representing all the State and motor vehicle departments, certain consumer groups, new car dealers, and most of the people who have been involved in this process right from the beginning.

I would also say that while there are some groups who support it, many of them, the groups who oppose this bill, do so because it omits a private right of action, does not allow people to sue under a Federal statute in order to enforce certain parts of the bill. That is exactly what we tried to avoid in drafting this bill, was a process that would lead to a lot of litigation. We would like to have a simple rule that can be easily administered without a whole bunch of Federal preemptions of States rights.

I would also say to the gentleman that we have spent hours and hours and hours trying to figure out a definition that achieves a balance between protecting as many people as possible but not being absurd at the end of the day.

The gentleman may have an automobile that is more than 6 years old. I have to tell him that my automobile is 13 years old. My automobile has 120,000 miles on it, and I can tell my colleague that if I have a flat tire on my automobile, the value of the automobile is such that it might well trigger the 80-percent threshold for saying that my car has been totaled. And what we have tried to do in coming up with a definition is find a balance where we protect as many cars as possible but we do not bring into the definition of a car that has been totaled cars as old as mine and as worthless as mine that still work but might be considered totaled because they have a flat tire.

So we really have tried very hard to address the gentleman's concerns. I would say that we would like to continue to try to address the gentleman's concerns, and if this bill does pass today, as we hope, we would be happy to talk to him in the conference and see if we cannot make some additional adjustments that move things in the right direction, but we have worked very hard on this bill with all the groups who are interested, and I think it is time to pass it in this House today.

Mr. MARKEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, again, I want to compliment the gentleman from Washington State, and the gentleman from Virginia, and the gentleman from Louisiana for their work on this legislation. It is a complicated piece of legislation, and where we draw the line is, of course, one that is, as my colleagues know, a judgment that is quite subjective.

The bill that is before us today exempts sellers of cars where the automobile is 6 years, 6 model years, or older and worth less than \$7,500. Now that is just a judgment call, but we are told that the average, the average automobile in the United States is 8 years old or older. So if the average car is 8 years old and we are picking 6 years, what are we talking about?

So what I did was, I had Kelly's Blue Book site on the Internet pulled up so we can take a look at some of the cars that one might be able to purchase that would not be covered, one would not get any warning that the car had had serious damage to it. Here are just a few of the 1989 model cars that the bill exempts in the Blue book:

A 1989 Chrysler Le Baron premium convertible 2-D, 100,000 miles; 1989; one could get it for \$1,310; but they do not have to say if it has had a major collision, they do not have to give any information about it.

How about a 1989—would my colleague be interested in this: A 1989 Oldsmobile Cutlass Supreme coupe, 110,000 miles, cruise control, AM/FM stereo cassette, compact disk, CD changer, premium sound, sliding sun roof, and get it for 1,900 bucks? But my colleague is not going to get any information about whether or not it was in a crash.

How about this one? See if my colleague is interested. A 1989 Alfa Romeo Spyder convertible, compact disk, CD changer, premium sound, air-conditioning, power steering, the works, 4,470 bucks. 1989. But it is exempt; they do not have to pass on this information about whether or not it had a major accident.

Now how about this one if my colleague is not interested in the others? A 1989 Porsche 944 turbo coupe with air-conditioning, power steering, power windows, power door locks, tilt wheel, cruise control, premium sound, sliding sun roof, alloy rear wheels, excellent trade-in value, 7,455 bucks. This is a 1989 Porsche, no information about whether or not it had accidents.

I am almost done. As my colleague knows, I have got to go through the entire inventory in the store, and then I will be more than willing to yield to the gentleman.

Mr. WHITE. I have got my eye on one right now. I would be happy to buy it from the gentleman.

Mr. MARKEY. All right. Well, listen to this one. This might have been something that has been in the back of my colleague's mind over the years. I bet we all had a little bit of a fantasy

about this car, a 1989 Jaguar XJS convertible, beautiful car, really a beautiful car, air-conditioning, power steering, power windows, power door locks, tilt wheel, AM/FM cassette, leather, alloy wheels, 7,125 bucks, 1989, 8 years old, the average age of a car in the United States.

I think that we at least should have the average car. Now we all know that an automobile that is older than this, as my colleagues know, is not going to be worth, on average, 7,500 bucks. It is tough to find a car that is 8, 9, 10 years old that is worth 7,500 bucks, but yet that is the average age of the cars on the road, and millions and millions of Americans every single year purchase a car in that age category because they cannot afford to buy a brand new car. Are not they entitled to some minimal amount of information about whether or not the previous owner had a major crack-up with the car?

Mr. Speaker, I yield to the gentleman from Washington [Mr. WHITE].

Mr. WHITE. Mr. Speaker, I appreciate it very much, and I know it is a mistake to buy a used car from the gentleman from Massachusetts, but, nevertheless, I am intrigued by the Oldsmobile that he talked about, the 1989 Oldsmobile, I believe the gentleman said it had a sun roof, for \$1,900; is that right?

Mr. MARKEY. That is correct.

Mr. WHITE. And if I bought that car from the gentleman, and the sun roof had a malfunction, it could easily cost me \$1,000, \$1,300, maybe even \$1,600 to fix that sun roof, and if it did cost me \$1,600 to fix that sun roof, the bill would be considered totaled under the 80 percent definition, which is why it would not make sense to include that car in this particular bill.

The whole thing is about coming up with a balance. We do not want a situation where a perfectly serviceable car, no structural damage, has a damaged sun roof and then all of a sudden has to be classified as a salvaged vehicle under this title, and that is the balance we are trying to strike. I know the gentleman wants to strike the balance too. I know he suggested that we use a definition of 8 years. We actually have 6 model years, which is actually 7 years, so we are very close.

Mr. MARKEY. If I may reclaim my time, what if, rather than the case the gentleman singles out, what if it was the axle of the car that was damaged? What if it was that the steering wheel, in fact, had been coming off in the hands of the previous owner? What if, in fact, the engine on a frequent basis had been exploding into flames in the driveway of the previous owner and he had been trying to unload it on some unsuspecting consumer looking for a bargain?

So, yes, the sun roof answer is an interesting one and kind of a cute one, but it does not get to the core of our concern, which is the safety-related issues that could be covered up.

Mr. Speaker, I yield to the gentleman from Washington [Mr. WHITE].

Mr. WHITE. All I want to point out is, the gentleman is absolutely right, if a car has an axle problem, that is something someone would like to know about, but under his bill a car, or his suggestion, a car that is older than 8 years, one still would not know about the axle.

So it is all a question of just where we draw the line to try to capture the most cars in a reasonable way.

Mr. MARKEY. Let me reclaim my time one more time to say I agree with the gentleman, it is where we draw the line. But if the average age of the average automobile on the American highway is 8 years of age, then at least let us give that protection. We can decide that in 10 years, in 12 years it is caveat emptor, but, my God, most of us, when and if we buy a used car, we are going to be buying it in the sixth to eighth year category. So that is the only point I am trying to make here.

The gentleman has moved the bill in the correct direction. I just think it stops short of capturing that group of automobiles which really is the most desirable used car that is being sold in America but with representations that may not fully reflect the safety of the car.

Mr. Speaker, I reserve the balance of my time at this point.

Mr. BLILEY. Mr. Speaker, I do not have any more speakers, so I would reserve the balance of my time.

Mr. MARKEY. May I ask, Mr. Speaker, how much time I have remaining?

The SPEAKER pro tempore [Mr. PACKARD]. The gentleman from Massachusetts has 9 minutes remaining.

Mr. MARKEY. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Speaker, I thank the gentleman for yielding this time to me. He is gracious. I may not use all 5 minutes, and I would be happy to yield that time back if I do not.

I just want to say, Mr. Speaker, along with my colleague from Massachusetts, I rise today to inform my colleagues that, in fact, this bill might not be what they think it is, and I want to first of all start off by giving great praise to my colleague, the gentleman from Washington [Mr. WHITE], who has worked very hard on this piece of legislation, and the fact that we disagree on this piece of legislation does not mean that he has not worked with all great intention and he has moved the bill the right way, but I think that if this bill is to pass, that we are going to be making an already bad situation all the more confusing for the consumers across this Nation.

And I would agree that the national uniformity for auto salvage laws is a very good idea. In fact, VIN switching and title washing are definitely a problem that national uniformity would help. But as it has developed, this bill does not provide that uniformity.

As introduced, H.R. 1839 did require national uniformity even though, and I may have disagreed with how it would

have preempted the State laws, at least it would have created a uniform system so that consumers would know exactly what it was they were buying, regardless of the State that they lived in.

But, Mr. Speaker, I have to point out to my colleagues that the bill that they will be voting on today, as changed by the manager's amendment, will not get us uniformity, and in fact it now runs the risk of being worse than us doing nothing at all.

In 1992, Members of Congress passed the Anti-Car Theft Act which, among other things, made carjacking a Federal crime. Also included in that act was the authorization of the National Motor Vehicle Title Information System to be a national data base of information on State and motor vehicle titles that would allow States to do an instant check on vehicles titled in another State.

The way this bill works is to require States that want to participate in the National Motor Vehicle Title Information System to either adopt the new Federal standards or include a new notice on the certificate of title that discloses that their State does not comply with the new Federal standards or stay exactly the way they are right now and not participate in the National Motor Vehicle Title Information System.

So, again, Mr. Speaker, I want to point out that making the adoption of the new Federal standards completely optional directly contradicts the bill's intended purpose to establish national uniformity and definitions and procedures regarding the titling of severely damaged motor vehicles.

If this act passes, we will have three kinds of States; we will have States that can opt into the Federal standards and can take Federal grant money to participate in a yet to be developed national motor vehicle titling information system at the cost of having their salvage laws preempted by the national law. If a State does not want to do that, they would fall perhaps in the second category, and that is States that opt out of the Federal standards but they still want to take Federal grant money to participate in the national motor vehicle titling information system, but they would then decide to disclose the fact that they do not comply with Federal standards on each certificate of title that they issue. Or we could have a third kind of State, States that completely opt out and keep their current law.

Now I am in favor of national uniformity, but, as my colleagues can see, we have some States adopting a Federal standard, some States that have to disclose that they are not going to adopt the Federal standards but that they still want to take Federal grant money to participate in a national motor vehicle titling information system, and some States that could say the heck with it all, we are going to stand pat on what we are doing now, we are going to keep our local standards, our current State law, that afford more

disclosure to consumers than the proposed Federal standard.

□ 1500

Now, I have to say again, this does not help us to achieve the stated goal of uniformity. In fact, I think it is going to worsen the current hodgepodge of State laws, while potentially undermining the effectiveness of the national motor vehicle tight link information system at the same time. In addition to having various State laws, we are now going to add to that another level of Federal law that consumers will assume is national uniformity, but, in fact, will not be.

Mr. Speaker, I remain very happy to work with my colleagues if this bill does not pass so that we can achieve our goals, but as of right now this is a bill that badly needs to be improved.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. WHITE].

Mr. WHITE. Mr. Speaker, I thank the gentleman for yielding me this time.

I just wanted to say in response to the gentleman from Pennsylvania, I appreciate his work on this bill too, and I know he has worked with us long and hard in a sincere effort in trying to improve this bill. The same is certainly true for the gentleman from Massachusetts.

If I could characterize what the gentleman from Pennsylvania has said, he is essentially saying this bill is not quite perfect, it does not quite establish a national uniform standard, and I would say to him that that is essentially true. It would be nice to have a uniform national standard, but we also have a Constitution that we have to deal with here and we can only do so much as the Constitution permits us.

I think it would be a mistake to make the perfect bill here be the enemy of a good bill. We have a good bill that takes us a long way in the right direction. We have heard from most of the States, and our sense is that virtually all of them will participate in this program.

So I think it is a good bill and one that is worth voting for.

Mr. MARKEY. Mr. Speaker, I have no remaining speakers on my side, so I would urge a "no" vote on this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume just to say this, and I will be very brief. The National Automobile Dealers support this bill; the American Association of Motor Vehicle Administrators, and a wide array of associations, industries, and law enforcement groups all support this bill.

Yes, I would like to have a national standard, but because of the Supreme Court Brady decision, we could not do that. I would also like to point out, there were some statements made today that perhaps 1839 would overrule existing State safety inspections. That

is not the case. Mr. Speaker, 1839 specifically leaves intact existing State safety inspections of rebuilt and salvage vehicles. Mr. Speaker, I urge the adoption of the legislation.

Mr. POMEROY. Mr. Speaker, I rise today in support of H.R. 1839, the National Salvage Motor Vehicle Consumer Protection Act of 1997. The bill would remedy a situation where salvage vehicles that have been rebuilt are sold as undamaged used cars. This fraud occurs at the expense of \$4 billion to consumers and business people each year.

Currently, there is no uniformity in how States define and report whether a vehicle has been damaged and if the level of damage warrants the vehicle to be deemed salvage. Some States require that this information appear on vehicle titles. However, even the States that require this disclosure record the information differently on vehicle titles. These discrepancies leave the door open for consumers to be defrauded. With each State having different guidelines, a car may be considered junked in one State and yet could cross State lines and obtain a clear title in another State. This problem becomes an issue of consumer rights. Car owners and the auto dealers who sell the cars have the right to know the history of their cars, and the rest of the public has the right to know that cars on the road are safe.

Under H.R. 1839, States involved in uniform titling and registering of salvage, rebuilt salvage and nonrepairable vehicles would have access to a Federal computer system that would assist in locating information about vehicle documents issued by other States. In an age when we attempt to track vehicles on Mars, why wouldn't we track our vehicles from one State to the next under a uniform system of titling procedures and definitions? It makes sense to use technology to guard consumers against theft and fraud of automobiles.

This legislation would set a definition of salvage vehicle to mean any damage that exceeds 80 percent of the retail value on a car up to 7 years old or newer. Once a car is designated as such, the car owner must get a salvage title. This sets the wheels in motion to ensure that a salvaged vehicle in North Dakota is a salvaged vehicle in New Mexico.

You may hear the argument that States aren't able to set their own guidelines under this bill. As a former State insurance commissioner, I firmly believe in States rights and the need for States to tailor laws for their respective residents. But this is a case where uniformity across State lines improves the overall safety of people in communities across the country.

The Motor Vehicle Titling, Registration and Salvage Advisory Committee, known simply as the Salvage Committee, that was formed as a result of the Anti-Car Theft Act of 1992 recommended many of the provisions of H.R. 1839. These provisions result in better information for consumers and dealers, and increased safety for the general public. With that in mind, I urge the Members to support the bill.

Mr. BLILEY. Mr. Speaker, having no further requests for time, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. BLILEY] that the House suspend the rules

and pass the bill, H.R. 1839, as amended.

The question was taken.

Mr. MARKEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

FEDERAL EMPLOYEES HEALTH CARE PROTECTION ACT OF 1997

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1836) to amend chapter 89 of title 5, United States Code, to improve administration of sanctions against unfit health care providers under the Federal Employees Health Benefits Program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employees Health Care Protection Act of 1997".

SEC. 2. DEBARMENT AND OTHER SANCTIONS.

(a) AMENDMENTS.—Section 8902a of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "and" at the end of subparagraph (B);

(ii) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(iii) by adding at the end the following:

"(D) the term 'should know' means that a person, with respect to information, acts in deliberate ignorance of, or in reckless disregard of, the truth or falsity of the information, and no proof of specific intent to defraud is required;" and

(B) in paragraph (2)(A), by striking "subsection (b) or (c)" and inserting "subsection (b), (c), or (d)";

(2) in subsection (b)—

(A) by striking "The Office of Personnel Management may bar" and inserting "The Office of Personnel Management shall bar"; and

(B) by amending paragraph (5) to read as follows:

"(5) Any provider that is currently debarred, suspended, or otherwise excluded from any procurement or nonprocurement activity (within the meaning of section 2455 of the Federal Acquisition Streamlining Act of 1994).";

(3) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively, and by inserting after subsection (b) the following:

"(c) The Office may bar the following providers of health care services from participating in the program under this chapter:

"(1) Any provider—

"(A) whose license to provide health care services or supplies has been revoked, suspended, restricted, or not renewed, by a State licensing authority for reasons relating to the provider's professional competence, professional performance, or financial integrity; or

"(B) that surrendered such a license while a formal disciplinary proceeding was pending before such an authority, if the proceeding concerned the provider's professional competence, professional performance, or financial integrity.